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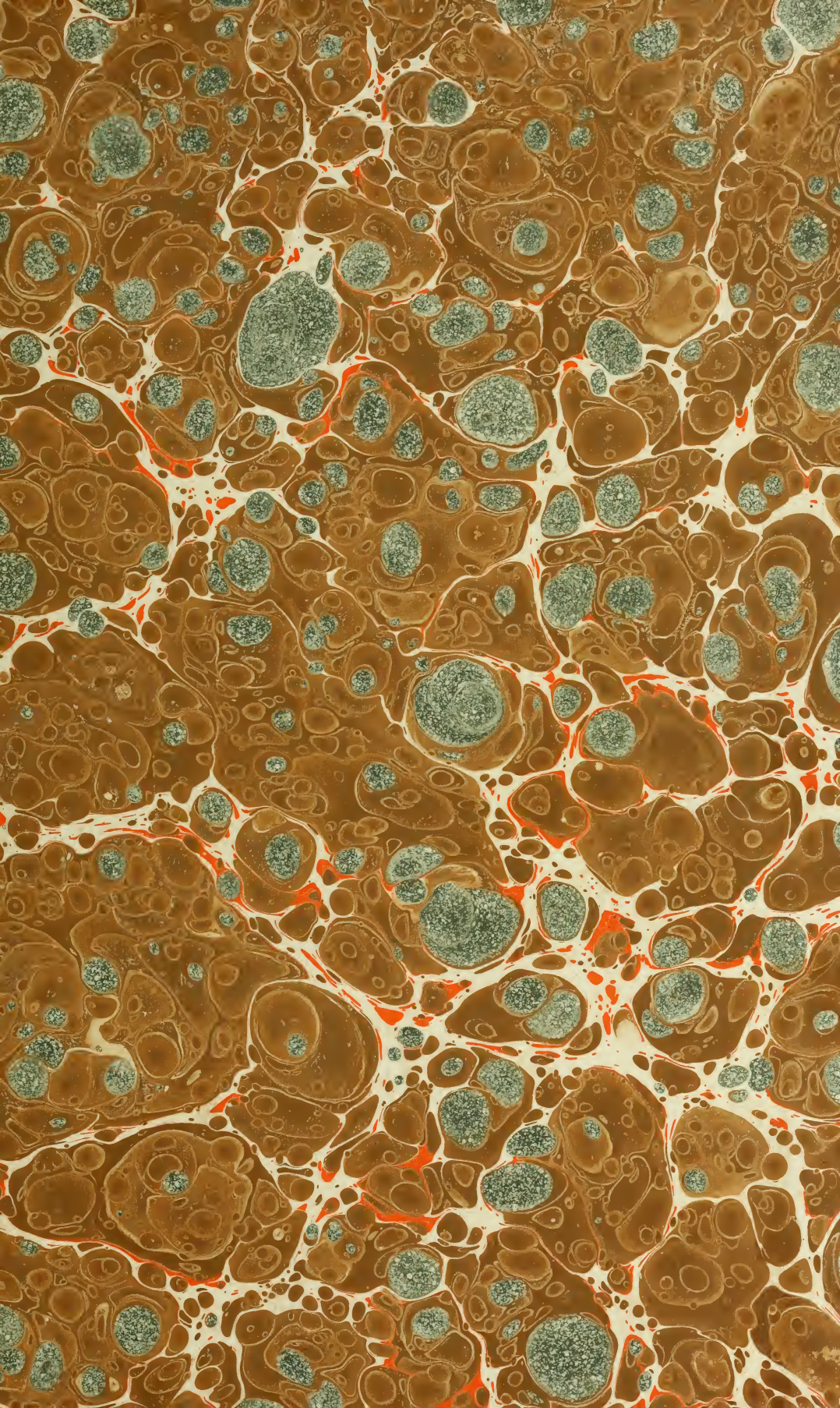

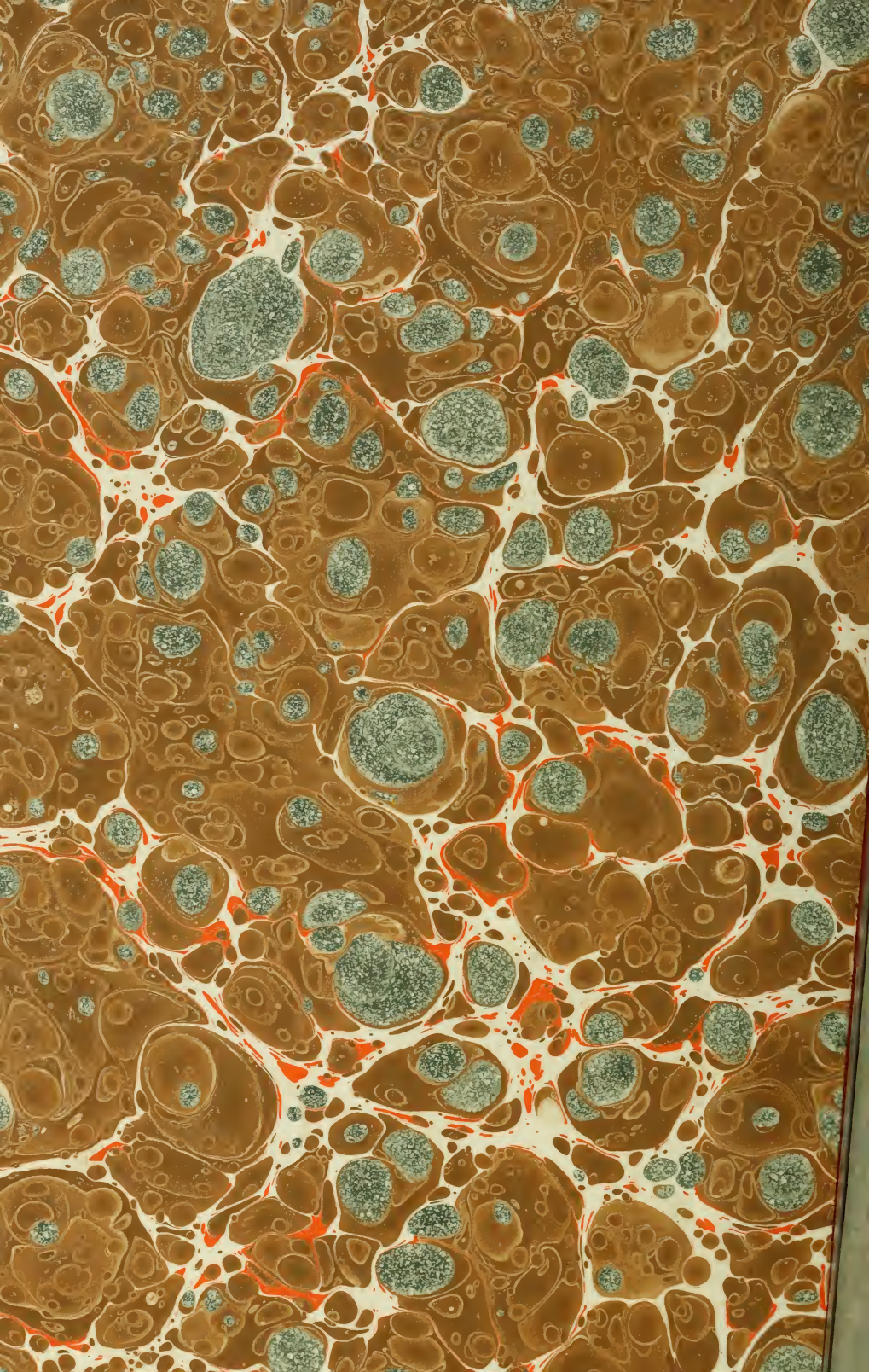

THE CELEBRATED

SPEECHES

OF

Colonel HENRY FLOOD,

ON THE REPEAL OF THE

DECLARATORY ACT

OF THE 6th GEORGE Ist.

AS DELIVERED IN THE

HOUSE of COMMONS of IRELAND,

On the 11th and 14th of JUNE, 1782.

ALSO, THE

SPEECH

OF

LORD ABINGDON,

In the ENGLISH *HOUSE* of *PEERS* the 5th of *July* 1782,

ON INTRODUCING HIS BILL FOR A

DECLARATION OF RIGHT

OVER EVERY PART OF THE

BRITISH DEPENDENCIES.

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The momentous Concern of the Queſtion to which *Colonel FLOOD's* intereſting SPEECHES relate, induces the Publiſher to think, that to print them *neatly*, *accurately*, and *entire*, will be highly acceptable to every Volunteer, Citizen, and Freeman, who wiſh the future Proſperity of Ireland---the total and abſolute Independence of her Legiſlature---and the everlaſting Settlement of her Conſtitution on a firm and immoveable Baſis.

COLONEL FLOOD'S

SPEECH

ON THE *REPEAL* OF THE

DECLARATORY ACT

OF THE 6th GEORGE Iſt.

As delivered in the HOUSE *of* COMMONS *of* IRELAND, *on* TUESDAY, *the* 11*th Day of* JUNE, 1782.

MR. FLOOD aſked the Secretary, what the nature and extent of the repeal of the Declaratory Law of England, with regard to Ireland, was to be; that is to ſay, whether it was to be barely repealed, or whether the legal principle or right was alſo to be renounced?—The Secretary ſaid, he believed it was to be a mere repeal, but as the bill had not paſſed, no judgment or proceeding could well be had upon it, becauſe it might be altered.

A reſolution was then read, that paſſed in the Engliſh Houſe of Commons the ſame day on which the reſolution paſſed, aſſerting that the Declaratory Law ought to be repealed. The reſolution was as follows: "That the intereſts of the two kingdoms are inſeparable, and that their connexion ought to be founded on a ſolid and permanent baſis."

Mr. Flood ſaid that theſe reſolutions were worded exactly alike, and both had a future aſpect, ſo as to denote that ſomething was neceſſary to be done in both caſes; that is to ſay, that the repeal of the Declaratory Law was to be attended with ſome meaſures to be taken here, for adding to the conſtitutional connexion between the two kingdoms, whereas he thought the connexion was at preſent complete: He added, that throughout the whole debate, ideas of final adjuſtment and negotiation were talked of. He would therefore propoſe a reſolution, as to the connexion of the kingdoms, (as far as the laws of Ireland are concerned) viz. that a ſolid baſis of permanent connexion does at preſent ſubſiſt between Great Britain and Ireland, inaſmuch as they muſt by law always have one common Sovereign, and that the approbation of that Sovereign under the Great Seal of England, muſt be had to any bill before it can become a law in Ireland. He ſaid, however, that if the Secretary would ſay for certainty, that no ſuch idea was held, he would withdraw the reſolution.—The Secretary ſaid he had not at that time any ſuch intention, but could not aſcertain any thing on the ſubject.

Mr. Flood's argument was as follows: Nothing was ever more judicious than the conduct of Great Britain on this occaſion. She was ſo embarraſſed abroad, and you were ſo ſtrong at home, that ſhe could not deny the repeal of the Declaratory Law. Yet it muſt ever be her wiſh to retain the principle of it, becauſe it is the principle of power, which no nation has ever relinquiſhed while it could maintain it. What then has ſhe done? By ſeeming to yield unconditionally to you, ſhe ſeized on the generous credulity of your nature, and took full advantage of a change in her own

Adminiſtration. Her firſt ſtep was bold, in order to ſtrike your imaginations with ſomething, that ſeemed to be deciſive. She reſolved that the Declaratory Law ought to be repealed. She did not ſay, however, that it ought to be repealed, as having been a falſe and erroneous Declaration of Law; far from it. Not a man in the Britiſh Parliament held ſuch an idea. The very mover and ſeconder of the reſolution ſaid the contrary. I mention them both with honour; I mention the Miniſtry, the Parliament, and the people of Great Britain, with all honour. I lament, but cannot blame their ſentiments on this ſubject. They declared the conſtitutional right of the Britiſh Parliament to make laws for every part of the empire. One of them ſaid externally. And the other both externally and internally. One ſaid the repeal muſt be accompanied by a final adjuſtment; and the other that the law could only be repealed on a principal of compact.

Now this is ſo far from a renunciation, that it is the very contrary; and a repeal without a renunciation leaves you in effect only where you were. It is a firſt principle of law, that a Declaratory Act only declares the law to be what it was before; that is to ſay, that it only declares, and that it does not alter the law.—What follows? That as making a Declaratory Act does not alter law, ſo neither can the mere unmaking alter law. Or in other words it follows, that if a Declaratory Act is not pronounced to have been an erroneous Declaration of Law, the bare repeal of it can do no other than leave the law in that ſtate in which the Declaratory Act did declare it to have been before ſuch Declaratory Act paſſed. An enacting ſtatute alters the law when it is made, and conſequently when it is re-

pealed it alters the law; that is to ſay, its enaction makes law, and therefore its repeal unmakes law. Inconſiderate people confound this idea of an enacting, with that of a Declaratory Act, and are impoſed on to believe that the repeal of a Declaratory Act unmakes and alters the law, in like manner as the repeal of an enacting ſtatute does; but this is utterly falſe. The repeal of a Declaratory Law (unleſs it contains a renunciation of the principle) is only a repeal of the declaration, and not of the legal principle.—The principle remains in full force, unleſs it be renounced. This is univerſally true, and it is ſtrengthened in this caſe by this circumſtance. Many acts have been made by the Britiſh Parliament binding Ireland, ſome of them before the Declaratory Law of George the Iſt. Now whilſt one of theſe remains, there is an exerciſe and a proof of the right, ſtronger by much than the Declaratory Law. A ſimple repeal, therefore, of the Declaratory Law, is no vindication of your Legiſlature. But it is argued, that becauſe in your firſt addreſs you declare that the Britiſh Parliament had no ſuch right, therefore the repeal joined to this, will be equal to a renunciation by England. But what man in his ſenſes can believe that our renunciation of the Britiſh claim can be equal to her own renunciation of it? Or that in any controverſy, an aſſertion of a party in his own favour, is equal to the admiſſion of his antagoniſt? If Britain renounces it, no other power on earth can pretend to maintain it. But if all the reſt of the world were to deny her pretenſions, yet as long as ſhe maintains it, our rights are vindicated, and our conſtitution is in danger. Will any man ſay, that if I aſk a thing on a particular principle, that therefore if I obtain it at all, it muſt follow that I obtain it on my own principle? There is no ſuch inference in law, in logic, or

in reaſon: it would only appear that the two Parliaments had agreed in one point, that of the bare repeal; but it never would appear, without an expreſs renunciation, that they agreed in the renunciation alſo; and we know the fact to be, that they do not agree with us in that principle. But to put this argument to a deciſive proof, let us ſuppoſe after ſuch a ſimple repeal, that at a future day the Britiſh Parliament ſhould revive the principle, and make a law for us. Suppoſe that Ireland ſhould remonſtrate on this—Suppoſe ſhe ſhould read that paragraph of her addreſs, and quote the Britiſh repeal of the Declaratory Law, and ſhould argue from both that England had for ever renounced her claim, do you think that England would liſten to ſuch an interference, or that any reaſoner in Europe would allow the force of the argument? Would ſhe allow you to piece your addreſs to her act of Parliament? If you queſtioned her Declaratory Act, would ſhe not queſtion your Declaratory Addreſs? Would ſhe not appeal to the language held by her own members? Would ſhe not appeal to words upon your own journals? Would ſhe not appeal to the ſilence of her law of repeal, and to your acquieſcence under that ſilence? Would ſhe not ſay that that was virtually a national relinquiſhment of any idea of renunciation, ſo that the principle remained not only unrenounced, but the equity of it impliedly admitted by Ireland, at a moment when ſhe was the ableſt to conteſt it?

But I ſhall be aſked (though the repeal of the Declaratory Law ſhould be ſimple and imperfect) whether I think that England will ever revive the claim? I anſwer, I cannot be certain that ſhe will, neither can I be certain that ſhe will not; and I aſk in return, whether any man will be ſurety that ſhe will not; and if

any man is weak enough to ſay that he will be ſo, I will tell him that this nation will not be weak enough to accept of his ſurety (no mortal is adequate to ſuch a buſineſs). I add, that England either has or has not a poſſible notion of ſuch a revival; if ſhe has not, ſhe will not quarrel about renouncing it; and if ſhe has, the renunciation is abſolutely neceſſary. I add, that if ſhe does not renounce the claim, ſhe certainly may revive it; but that if ſhe does renounce it, ſhe certainly cannot revive it. Yes, you will ſay, for ſhe might even repeal an act of renunciation; and to argue every thing fairly, I will admit that in the utmoſt range of poſſibility ſuch an outrage is not unimaginable; but what do I infer? Not that I ſhould be the more negligent, but that I ought to be the more careful; that it is my duty to make it impoſſible if I can; and if I cannot do ſo, that it is my duty to make it next to impoſſible. It is abſurd to ſay, becauſe I cannot make a thing phyſically impracticable, that therefore I ſhould leave it morally eaſy; but it is good ſenſe to ſay, that I will make a thing as difficult as I can, though I cannot make it as difficult as I would; and that if I cannot make a thing impoſſible, I will make it next to impoſſible.

Indeed, on what principle did we enter into this buſineſs? It was not ſurely on the ſilly notion of getting the force or the good will of England to act on our ſide, and againſt herſelf in this queſtion. That was impoſſible. What then was our purſuit? To obtain the utmoſt ſecurity that law could give; certain, that if at ſuch a time of extremity, we did not obtain it, we never ſhould be able to obtain it: we had but an alternative, either to rely on the liberality of England, and then to ſuffer her Declaratory Law to remain, as a thing impotent and never to be exerciſed;

or in a matter of ſuch ſtupendous conſequence, we were to ſay, that we would not truſt the generoſity even of Great-Britain, but that we would have ſolid and legal ſecurity. The latter is certainly the ſtrongeſt, and the moſt rational dependance; but though the former be weaker, it is better than neither. Now, in deſiring even the repeal of the Declaratory Law, you forfeit the liberality of England, becauſe you do not confide in it; and if you do not carry the matter on until you obtain legal ſecurity, you in effect relinquiſh both; that is to ſay, you do the very worſt thing the caſe is capable of, ſo that it would be difficult to ſay whether your attempt was the moſt glorious, or the conduct of it the moſt inadequate and diſgraceful. "But the pride of England will be hurt!" I ſhould be ſorry for it; either however her pride is contraſted to our ſecurity, or it is not; if it is not, our effectuating our ſecurity will not hurt her pride; and if it is contraſted to us, we muſt chuſe one of two things, either to hurt her pride, in order to obtain our ſecurity, or to relinquiſh our ſecurity in order not to hurt her pride: but if there be a pride on one ſide, there is a pride alſo on the other; if there be a pride of England, there is a pride of Ireland too. Now I aſk which ought to give way, for one muſt; and I anſwer impartially, that which has the worſt foundation. Now which is that? The pride of England in this caſe, is the pride of wrong, and the pride of uſurpation. The pride of Ireland is the pride of right, the pride of juſtice, the pride of conſtitution. I will not aſk you, after that, which ought to give way; but it is wrong to put this queſtion principally upon pride.—England it is true, has a pride in the matter, but ſhe has what ſhe values more, a principle of power. Ireland too, has a pride in the matter; but ſhe has what ſhe ought to value much more, a princi-

ple of permanent ſecurity. Now that a nation will be the wiſeſt in this tranſaction, that ſacrifices her leaſt object, to preſerve her greateſt, and England will do this preciſely, if ſhe can prevail on you to accept of a ſimple repeal without a renunciation; for in that caſe ſhe will ſacrifice a little pride to preſerve all her power; whereas you will, for a petty ſacrifice to your pride, forfeit all your ſecurity.—"But a confidence in the preſent Adminiſtration ought to ſtop us". I deny it, not that I mean to deny or diminiſh any one of their virtues; I will allow them to have as much ability, power, popularity, and patriotiſm, as any of their predeceſſors: To fortify my argument, I will ſuppoſe them to have more of every excellence than all their predeceſſors together; and what do I ſay then? I aſk, are the wiſeſt, honeſteſt, and greateſt men of Ireland the men that would ſooneſt relinquiſh what they thought to be the rights and dignities of Ireland? Certainly not: Are then the wiſeſt, honeſteſt, and greateſt men of England, the likelieſt to relinquiſh what they think the rights and dignities of England? Certainly not. Either then the Miniſtry are ſuch men as I have now been deſcribing, or they are not; if they are not ſuch men, they do not deſerve our peculiar confidence in any thing; and if they are ſuch men, they cannot deſerve our peculiar confidence in this point, unleſs their principle and conviction be on our ſide. Now we know it to be decidedly againſt us. Why does any country wiſh for a ſtrong Adminiſtration, I aſk? Becauſe it makes the country ſtrong. Now was it from the ſtrength of England, that we have gained our advantages, or from her weakneſs? From her weakneſs, undoubtedly. How then do we argue? The great ſtrength of Adminiſtration gives

great ſtrength to England; but the great ſtrength of England in this caſe is the weakneſs of Ireland: And yet if the ſtrength of Adminiſtration is her ſecurity, theſe things are impoſſible.

This brings me to what fell from Mr. Fox.—He ſaid, "The meaſure of the repeal could not ſtand alone, but muſt be accompanied by a final adjuſtment, and by a ſolid baſis of permanent connection between theſe kingdoms; that ſome plan of this ſort would come from the ſervants of the Crown in Ireland to the Iriſh Parliament, that when the reſult of Parliament was known a treaty might be begun if neceſſary: if a treaty ſhould proceed, then it would be to be ratified by the two Parliaments, and finally to be compleated by irrevocable acts of the reſpective Legiſlatures."—Now I ſay, if we are to negotiate at preſent, we are to depart from our original principles: it is not five weeks ago that we all declared that we had made this as a peremptory demand, and that we had nothing in it to negotiate: were we now to begin to negotiate, we ſhould negotiate after great advantages had been obtained againſt us; for inſtance, we were deſired to ſpecify our wrongs that they might be redreſſed; we did ſo, and as we ſpecified for redreſs, we made our ſpecification as narrow as poſſible, in order to facilitate redreſs; but had we ſpecified with a view to negotiation, we muſt have made our ſpecification as broad as poſſible, in order to have the greater advantage in negotiation. Our ſecond Addreſs is another advantage gained againſt us, that is repreſented even here, and ſtill more will it be held in England to be a repeated reſtriction on the requiſitions of this country. What follows?

That if we were to negotiate now, we muſt negotiate all on one ſide, bound up not to make demands, and open only to make conceſſions. Now a negotiation in which one may give every thing and gain nothing, may be called a negotiation by ſome men, but by moſt men it will be called folly: in this too we are to propoſe though the proportion is to be againſt ourſelves, and we are to propoſe this through the ſervants of the Crown, which is ſtill more againſt us. Now the ſervants of the Crown will not propoſe terms for England, till our Parliament is properly prepared for the ſubject, and we know what that means. If the ſervants of the Crown and the Parliament cannot be got to go far enough for England, then a treaty is to be begun, in which England will have advantage as to matter, and command as to time. In the ſtage of ratification ſhe will have more, and in that of completion and conſummation ſtill greater advantages in all of theſe ſtages; all the Cabinet and Parliamentary Councils of England will be unanimous on one ſide, viz. that of England. But the Cabinet and Parliamentary Councils of Ireland will not be unanimous in favour of Ireland, but will in general have a decided majority in favour of England. What equity can there be in ſuch a reſult? Here are five ſtages marked out by Mr. Fox, in each of which there may be a final difference of ſentiment, and in each of which there may be a neceſſity for ſome, and an opportunity for great delay, without any arrangement: this muſt be dilatory, and with a little dexterity it can eaſily be ſpun out to a peace. Now I aſk you, what it is that has given you every thing; is it not time? And as time has given you every thing, reflect that time may

alſo take every thing away from you; but time is not neceſſary, negotiation alone is ſufficient to undo you: you were not born to be negotiators; the negotiator is a dark, auſtere, inexorable character; you are ſoft, open, and perſuadable; you have not the detailed knowledge, the ſyſtematical procraſtination, the ſuſpicious reſerve, or the frigid perſeverance of a negotiator. When have you negotiated that you have not loſt? You negotiated at the Reſtoration; you negotiated at the Revolution; you negotiated at the Augmentation of your Army; you negotiated your Free Trade; you negotiated the Mutiny Bill! When have you demanded that you have not ſucceeded in it; and when have you negotiated that you have not been deceived?

THERE never was a time which required more conſideration than the preſent: the national exertion began in the laſt year of Lord Buckingham's adminiſtration: it is now drawing to a period, and whether that ſhall be glorious or otherwiſe, depends on your wiſdom. A ſhort view of what we have done will be a guide to what we ſhould do: we had groaned for a century under an encreaſing uſurpation: the American war broke out, and whilſt we were called up to ſhed our blood for Great-Britain, we were inſulted with the application of that principle to Ireland which had revolted America. Our feelings were exaſperated by the application, and our trade was ruined by the war: we ſaw ourſelves beggars in fact, and ſlaves in aſſertion.—The merchants flew to a non-importation agreement, &c. the people flew to arms! Amidſt this perturbation, Parliament aſſembled, and we amended our Addreſs by the demand of a Free Trade, as we have lately amended our Addreſs by the demand of a Free Conſtitution; that is, of an excluſive Legiſlature on which all free-

dom of trade muſt depend.—And therefore it was, that I did originally differ with ſome gentlemen, for I aſſerted, that they had not obtained that freedom of trade of which they had boaſted, becauſe they had not obtained that freedom of Parliamentary Conſtitution, without which a freedom of trade could not poſſibly exiſt. We received from England a dilatory anſwer. We ſhortened our money-grants to the Crown—we ſhortened them to the ſubject. And the Iriſh public creditors, to their immortal honour, embarked ſo fully with the rights of the nation, as cheerfully to accept of the ſix months ſecurity. This rapid ſucceſſion of ſober and conſtant efforts ſtruck like lightning on the Miniſtry and Parliament of England; all obſtacles gave way; our demand was to be granted in all its plenitude; all the Britiſh ſtatutes reſtrictive of our foreign commerce were to be repealed, and on that conſtitutional principle on which alone it would be welcome—a principle, which, in that early period of this queſtion, I took the firſt opportunity to lay down in clear, unambiguous, and categorical terms. What was that principle? That having a Parliament of our own, our foreign trade was neceſſarily free, and ſubject to no reſtriction as to our ports, but ſuch as our Parliament might impoſe. This principle, we were told, was admitted by England, as to our foreign trade, and pleaded by her to return, as in her own ports, and thoſe of her Colonies.——We admitted the principle which we claimed, and ſhe ſaid ſhe would open to us her Colony ports, on equal regulations of trade. The tidings of this emancipation, as it was idly called, landed in Ireland. The Poſt-Office was illuminated by an emiſſary of the Caſtle;

the College took fire in the next inſtance by an happy contagion; and the City caught the flame in a regular and ſympathetic ſucceſſion. All ſober conſideration was loſt in an ignorant clamour, and the ſteady pulſe of the public yielded to a fever of exultation. What was the conſequence? England ſaw that we were ſurprized at our ſucceſs—ſaw that we had aſked more than we expected; concluded we would accept of infinitely leſs, and determined that ſhould be as little as ſhe could. Firſt, then, ſhe determined not to repeal all her laws reſtrictive of our foreign commerce; yet, whilſt an atom of ſuch reſtriction remains, the total impeachment of your Conſtitution remains: when, therefore, an artful reſolution was prepared for this Houſe, on that occaſion, expreſſive of ſatisfaction in that enlargement of our *foreign* trade, I exclaimed againſt *that word*. If you thank the Britiſh Parliament, I ſaid, for the enlargement of your foreign trade, you admit ſhe can reſtrain it: if you admit ſhe can reſtrain it, you admit her legiſlative authority; that is, you gain little in *commerce*, and you loſe every thing in *conſtitution*. I object to the word *foreign*, therefore; it belies Ireland, and it deceives Great-Britain. The independent gentlemen of the day, however, did not feel, did not take up the principles; yet, though they did not take it up that day, they have felt it ſince; and though the word was univerſally admitted then, there is not a man in the nation that would not reject it now. Such was the firſt ſtage of this buſineſs. Let us ſee how much more worſe we made it in the progreſs of Negotiation. The language of England was the language of common ſenſe. Ireland muſt have equal regulations of trade, ſhe ſaid; but equal taxes on home-conſumption ſhe

did not ſay: equal regulations of trade may ſubſiſt between a poor country and a rich one, but equal taxes on conſumption cannot. Now what has your negotiation made of it? You have made your arrangement a tax-law in part, which ought to have been a trade-law in the whole; that is to ſay, inſtead of a regulation in trade, you made it a regulation againſt trade, and a ſevere and a cauſtic regulation too. What regulation, indeed, can be much more adverſe to trade than a heavy tax on a raw material imported for the purpoſe of trade, and for the end of manufacture. So pernicious are ſuch taxes, that the Miniſters in England, whoſe profuſion has brought them on that country, have endeavoured to extenuate their malignity by two regulations. To conſole the manufacturer, they tell him that they will open to him the foreign market, by giving him a drawback on his manufactures exported, equal to the tax on the imported material. And they tell him beſides, that they will ſhut up for him the home-market, and give him a monopoly of it. — How? By laying a prohibitory duty on the manufacture imported from abroad. And what have they done as to manufactured ſugars? They have laid a prohibitory duty upon them when imported into England from any other part of the world, Ireland even not excepted. What have we done? We have laid the ſame prohibitory duty on manufactured ſugars imported into Ireland from any other part of the world; but we have excepted England, whereas ſhe did not except Ireland. Now, there was much more reaſon for our excepting England, than there was for her excepting Ireland; and why? Becauſe Ireland could

never, by any poſſibility, be a rival in ſugars to England in the Engliſh market; but England is actually a very formidable rival to Ireland in the Iriſh market.——What is the fact? The Iriſh manufacturer of ſugars has but one rival in the world, and that is the Engliſh manufacturer of them? And what have we done? We have given him the full ſecurity againſt all thoſe that are not his rivals; and we have not given it to him againſt the only manufacturers that are his rivals: we have given him perfect protection where he is in no danger, and we have not given it to him where he is in all danger. We have done worſe by him; we have not only given him as much ſecurity againſt his only rivals, as againſt thoſe who are not at all his rivals; but we have not left him as much ſecurity againſt his only rivals, as he always had before; that is to ſay, the duty on the imported manufacture now bears a leſs proportion than ever it did before the duty on the imported raw materials. By conſequence his peril is greater, as his protection is leſs; and his ſecurity being diminiſhed, his danger is enhanced. But that is not all; you have not done for him what England originally pointed out to you in his favour: She propoſed equality as the principle of your regulation of trade; we adopted it religiouſly in that part to which it was not applicable, and, where it was precious, I mean in the tax part; and we only deſerted in the trade part, where alone it was applicable, and where alone it was beneficial.

Such was the ſpirit in which we negotiated our Free Trade; let us take care how we negotiate her Free Conſtitution. But the error of that arrange-

ment does not ſtop here: its firſt principle was erroneous; it ſet out with this maxim—That you were to pay for this as if it were an enlargement; and that you were to pay for it in tax, as if you had not paid for it otherwiſe before. But what is the truth? The ſugars of Spain, Portugal and France would ſupply your manufactures as well as the Britiſh Weſt-Indian iſlands, and generally better; if, whilſt you retained thoſe markets, England had opened her Colony ports too, this would have been a new market, which is always an advantage to the buyer. But what is the caſe now? You are ſuffered to go to the Colony market of England, which is the Engliſh market in effect, and which is therefore her advantage; but you give up this for all other and ſome better markets, which is your diſadvantage. Inſtead of its being an enlargement, therefore, this is more properly a reſtriction; and, inſtead of England's granting you a boon in this matter, it is you that give her a monopoly. Now, a monopoly is ſo much againſt the giver, and ſo much in favour of the obtainer of it, that no nation in its ſenſes ever gives it to another:—And if a part of an empire gives it to the head, it cannot be on a principle of trade, becauſe a principle of trade is a principle of gain, whereas this is a principle of loſs. On what principle alone can it be given on a principle of empire? That is to ſay, in other words, it is a tax or a tribute, and that of the heavieſt nature; but, if you were to pay for it in taxes, beſides paying for it by monopoly, it would be abſurd to pay for it more than it was worth. Now, take the whole Weſt-Indian commerce; take the utmoſt proportion of that commerce that could ever fall to your lot; take the utmoſt proportion of clear profit that can

be ſuppoſed to accrue from that quantity of trade, and then take the utmoſt proportion of what clear profit that can be afforded to Revenue; and I ſay it would never amount to that ſum which you have agreed to pay on the inſtant for the contingency of this direct trade; with this additional abſurdity, that if you ſhould not be able to eſtabliſh it, theſe additional duties will be equally payable upon your old circuitous trade, which before was free from them. Will you truſt negotiation again? This arrangement cannot be juſtified on any commercial principles. Was any conſtitutional advantage obtained by it? Far from it; the very principle of the arrangement is hoſtile to the Conſtitution; it gives to the Britiſh Parliament a virtual power of taxing you; for what is the principal of it? That when England taxes a Colony produce, you muſt tax it equally or give up the trade. Thus this arrangement leaves both your trade and your money at the mercy of the Miniſtry and Parliament of England. Combine this with another law of the ſame period, the mutiny bill, therefore, and ſee what the reſult of both is. You complained that the Britiſh Parliament ſhould make even a twelve-month's law for your army; and what did you do to remedy it? You made an act, that ſhe ſhould do it for ever. The two greateſt powers in the management of human concerns, are the power of the purſe, and the power of the ſword. You did by theſe two laws, for ſo much delegate away both of theſe great powers from yourſelves to the Britiſh Parliament; that is to ſay, in the very moment that you talked of recovering your own authority, and denying that of the Britiſh Legiſlature, you did every thing you could to ſtrengthen the

power of that Parliament you meant to overthrow, and to weaken the power of that Parliament which you meant to eſtabliſh. I do not ſpeak theſe things, in order to ſay what is diſagreeable to any man living, much leſs to ſay any thing diſagreeable to that body, in defence of whoſe privileges I have lived theſe two and twenty years, and in the defence of whoſe privileges I will die. I ſpeak them from a deep conviction of their neceſſity. You ſee how you have been negotiated out of every thing, and how dangerous it is to negotiate again. You ſee how dangerous it is to exult too ſoon, or to imagine that any thing of this kind is done, while any thing remains undone. You ſee what a miſerable end was made of Lord Buckinghamſhire's laſt ſeſſion of Parliament, though it begun with ſo much ſplendor; and as part of this ſeſſion has trod the ſteps of its glory, I would warn the concluſion of it againſt the ſteps of its decline. To put a ſtop, therefore, to the danger of negotiation, and to accelerate the ſafety of an immediate repeal, and of a final renunciation, I move the reſolution I have before ſtated to you.

COLONEL FLOOD'S

SPEECH

ON THE *REPEAL* OF THE

DECLARATORY ACT

OF THE 6th GEORGE Iſt.

As delivered in the HOUSE *of* COMMONS *of* IRELAND, *on* FRIDAY, *the* 14*th Day of* JUNE, 1782.

I DO not mean to oppoſe the moſt liberal interpretation that can be given to the Britiſh act of Parliament in queſtion. The Right Honourable Gentleman defends it by ſaying, that if Ireland had been by name excepted, even that exception of Ireland might have been conſidered as implying, that if ſhe had not been excepted, ſhe would have been bound; and certainly it would have been exceptionable for that very reaſon; and for the ſame reaſon, the law as now worded is exceptionable: it includes all his Majeſty's dominions in Europe, and as Ireland is one of them, it does impliedly include Ireland; both of theſe methods, therefore, are equally exceptionable. But there was a method of avoiding both of theſe objections; and if I, a weak and incapable man, can at firſt ſight point out an eaſy method of doing ſo, how much more eaſy would it have been for his Majeſty's Miniſters to have done ſo? It might have been worded ſo as to have included all his Majeſty's domini-

ons in Europe, that were ſubject to the legiſlative authority of the Britiſh Parliament: It would then have been an implied aſſertion of our Conſtitution, inſtead of being now an implied infringement of it. Had the Britiſh Parliament renounced the right, ſhe could have no objection to ſome ſuch form of words; but ſhe well knew that a repeal of the Declaratory Law is no renunciation of the right: in this, and in every inſtance ſhe ſhews an utter reluctance to ſuch a renunciation: now every ſymptom of ſuch a reluctance on her part, is equal to a thouſand demonſtrations that ſuch a renunciation is neceſſary for us. I do not underſtand the doctrine of clerical miſtakes; how far is it to lead us? Where is its boundary? Is it only to hold for the preſent time, and during the preſent Miniſtry? Or is it to extend to all times and to all Miniſteries? If it is to do the latter, the doctrine is too dangerous to be admitted; and if the former only, it is too partial. No Miniſter of England, no Attorney General of Ireland, could deſire a more convenient principle, than that the doctrine of the clerical error was to excuſe an act of the Britiſh Parliament binding Ireland: but ſuch a doctrine would ſoon leave our Conſtitution where it was, and would efface the glories we have been acquiring.

This brings me to ſpeak of the repeal of the Declaratory Act of George the Iſt, as it is now proceeding. In the firſt place it is an undeniable principle of law, that the mere repeal of a Declaratory Act does not renounce the principle of it; and it is clear to common ſenſe, that nothing but a final renouncing of the principle of this law, is adequate to our ſecurity. With regard to this law of Geo. Iſt, the maxim I have mentioned obtains with peculiar force: What is the title of the law? It is an act for the better ſecuring the dependency of Ireland: on the face of it, therefore, it imports expreſsly, that

that dependency did before exiſt, and that by conſequence it muſt continue after, unleſs renounced: it had, indeed, too ſtrong an antecedent exiſtence, to be deſtroyed by any weak implications. The firſt authority of law known to the Engliſh Conſtitution, is that of the great Lord Coke; his authority is expreſsly againſt us, and in favour of the Engliſh Parliament. Will any lawyer ſay, that the clear and decided opinion of Lord Coke, in a matter of law, is a thing to be contemned? Add to this a number of ſtatutes made by the Engliſh Parliament, and acquieſced in by the Iriſh nation, antecedent to the Declaratory Law of George the Iſt; and will any man be ſo raſh, ſo fooliſh, or ſo corrupt, as to ſay that ſuch a pretenſion is to be overlooked? Or that it can rationally be ſtated to be ſo void of principle and colour, as that a bare repeal of a ſubſequent and merely Declaratory Act, can annihilate it? Let no man conceive ſuch a thing.

The Honourable Gentleman ſays, that the giving up the final judicature is a deciſive proof of ſincerity in the Britiſh Parliament, becauſe, it cannot be ſuppoſed, that our final judicature would carry Britiſh laws into execution; but how far does this reaſoning go? It ſhews, indeed, that they think the ſpirit of this country is ſo unanimous on this ſubject at preſent, as that nobody will appeal to their judicature; or that if any perſon ſhould appeal, that the decree would be reſiſted and baffled in the execution of it. They therefore very wiſely determine to give up what it is impoſſible to retain; but tho' this may extend (as long as the preſent ſpirit continues) to *internal* final judicature, and to *internal* legiſlation, yet it does not at all extend to external legiſlation, or to the final judicature proper to that ſpecies of legiſlation. Now, what is external legiſlation? It is that ſpecies of legiſlation which Mr. Fox ex-

preſsly ſpecifies and aſſerts, and which not one Britiſh Member controverted; that is in other words, it is the whole of commercial and marine legiſlation. Now what is the final judicature in that? It is the Britiſh fleet.—Witneſs what happened in this kingdom the other day. The ſpirit of the country was ſuch, that the Commiſſioners dared not refuſe a clearance to a veſſel, though freighted with goods prohibited by Britiſh acts of Parliament; but though the veſſel had her clearance, ſhe could not ſail; and why? Becauſe the Stag frigate was in the bay ready to ſeize and to confiſcate. The Hon. Gentleman knows the ſtory to be true, and has quoted the fact himſelf within theſe walls. Now, this maritime or external legiſlation, and this final judicature of the Stag frigate, is a thing which nothing can reach but a formal renunciation of the right on the part of Great-Britain. Is this a ſituation in which an able general would leave an army; or in which a wiſe patriot would leave his country? Certainly not. The Hon. Member ſays, the Royal word is as firm as a Parliamentary renunciation. Does not the Hon. Gentleman know that the words of the King are the words of the Miniſter, in all conſtitutional and parliamentary conſideration.—How often, in his ſhort experience, has he known that ſecurity fail? Did it give us a Judge's bill in Lord Townſhend's time? Did it keep 12,000 men in the kingdom ever ſince? Has it ſecured œconomy to us, ſo often promiſed and not yet arrived? I will not multiply inſtances. Now theſe are caſes where the moſt expreſs words were uſed in the ſpeech from the Throne, which is the ſpeech of the Miniſter, and not of the King. In this caſe, is there any expreſs mention of renunciation? No ſuch thing. Now, if expreſs words have failed, why may not words fail that are not expreſs? Again I aſk, Will any man pretend

to affirm, that the declaration of the King can be equal in force to an act of Legiſlature? No man in his ſenſes can believe it to be ſo. In the American queſtion what was the doctrine? That if the King wiſhed it ever ſo much, yet it was not in his power to give up the power of the Britiſh Parliament. Did the King ever attempt to make the ſmalleſt relaxation, without an act of Legiſlature to authorize it? I aſk the Hon. Member, Whether the King, by a declaration to the Britiſh Parliament, could give up any of the rights or pretenſions of the Iriſh Legiſlature? I am ſure he will anſwer, No. Then, by what rule, I aſk, can any declaration of the King to us give up or cancel any pretenſion of the Britiſh Parliament? What authority on earth can be ſo perfectly adequate to it, as that of the Parliament of Great-Britain itſelf? But the Hon. Member would not accept a great charter he ſays from the Britiſh Parliament, ſo jealous he is of its authority; nor would I, provided it contained an aſſertion of its legiſlature over us, becauſe that would be nominally a great charter, but really a defeazance and a concealment of our Conſtitution. Now this is impliedly the caſe in an act merely and ſimply of repeal; but if it contained a renunciation of all ſuch authority I would accept of it, becauſe then it would indeed be a great charter; for what was the Great Charter of our early Kings, to their ſubjects? Was it not in fact a renunciation of the uſurpations of thoſe Kings, and nothing more? It was not a donation but a mere recognition of the rights of the ſubject; which recognition became neceſſary only in conſequence of regal uſurpations. Now I aſk, Did thoſe Kings, or any other part of mankind ever think that in renouncing thoſe uſurpations they re-eſtabliſh them? No man was ever ſo frantic as to ſuppoſe it. How then could a parallel renun-

ciation by the Britiſh Parliament have any tendency to legalize its uſurpation? I will venture to ſay that a renunciation of all right is the laſt method that the Britiſh Parliament will think of taking by way of eſtabliſhing her authority over Ireland. And why? Becauſe it is the moſt effectual method on earth of defeating it: the ſound of an Engliſh act of Parliament ought not to frighten us out of the ſenſe of it, if the ſound of it could be deſtructive to us: an act of repeal would be as noxious as an act of renunciation; and if the ſenſe of it can be ſalutary, it is by its being an act of renunciation; any other act may be an exerciſe of legiſlation over us, but an act of renunciation cannot be ſo.

The Honourable Member ſaid, that I had thought on a particular ſubject till it had became my weakneſs; may not the remark become applicable to himſelf? For ſurely if his zeal on this ſubject had not outgone even his judgment, great as that is, he would not uſe arguments on this occaſion, which on any other he would reprobate from the lips of any ſervant of the crown: he would not call a Britiſh act of Parliament *including* Ireland a clerical error; he would not ſay that a ſpeech from the throne is equal to an act of Parliament; that a Britiſh act of repeal is a ſafe exertion of her power towards us, but that an act of renunciation would not be ſo; he would not ſay that a renunciation would be a better ſecurity, and yet that a repeal is ſufficient, in a caſe where no ſecurity can be too great, and in which ſcarce any is adequate; he would not ſay that good faith is equal to legal ſecurity; or that legal ſecurity with the addition of good faith is not better than the latter is alone.

It is not pleaſant to me to differ with the Honourable Member, but in this caſe it is unavoidable; it is one of thoſe caſes in which I feel myſelf impelled by ſo

ſtrong a duty, that nothing perſonal either to myſelf or to others can controul me: and I feel it the more my duty to ſpeak out on this occaſion, becauſe I have never ceaſed to repent my having not done ſo in Lord Buckingham's adminiſtration, with reſpect to the word *foreign*, which was then inſerted in our reſolutions; I will not ſay with evil deſign, but certainly with evil example. I differed with the Honourable Member, and others whom I much reſpect, with regard to that expreſſion. I diſapproved of it in the ſtrongeſt terms in private conference; they did not perhaps approve, but they did not diſapprove of it, and therefore it paſſed without notice. Since, however, it has been felt, and the objection which the Honourable Member has this day made to the Britiſh act, which he has quoted, is, that it ſeems to aſſume a power over our *foreign* trade. Now this is the very principle on which I objected then to the word *foreign*, though I was not at that time ſupported in it; with this omen, therefore, that I may ſometimes differ with the Honourable Member, and not be always in an error, I go on. The Honourable Member ſays, that we have the faith of nations to depend on. Now as to the faith of nations, I have this to ſay, that like every thing elſe, where it is the beſt thing that can be had, it is good for that reaſon; but where it is not the beſt thing that can be had, it is for the ſame reaſon not good: What follows? That it is good between unconnected nations, becauſe there is nothing ſtronger between them, (except force) but it is not good between countries connected by civil government, becauſe there is ſomething ſtronger there, and that is legal ſecurity: But what does the faith of nations between unconnected kingdoms amount to, I aſk? To what! but to perpetuate warfare, and an everlaſting appeal to Heaven, as it is called, by a peculiar and a very barbarous prophanation. In ſhort, what is a ſtate of dependence on good faith, other than a ſtate of

nature, which though not a ſtate of war, is yet ſo liable to it, that it is to avoid its diſorder, that we have yielded to the incumbrances of Government. Each of theſe conditions has ſome diſadvantages; but it would be utterly abſurd to retain the diſadvantage of both. If we will ſubmit to the inſecurity of mere good faith, let us be freed from the burden of Government; but if we are to have the burden of Government, let us take care to have alſo its ſecurity. Look at England, has ſhe truſted to the good faith of Ireland, that Ireland will never deſire any other Sovereign, than the Monarch that ſits upon the Britiſh throne? No, ſhe has got a perpetual Iriſh law to put it out of doubt. Has England truſted to the good faith of Ireland, that our Parliament ſhould never paſs a law diſagreeable or diſadvantageous to Engliſh Government? No, ſhe has got a perpetual Iriſh law to make it impoſſible. Does any man think ſhe acted unwiſely or illiberally in doing ſo? No man can think ſo. How then can it be unwiſe or illiberal in us to deſire a legal ſecurity in this point, upon which all other legal ſecurity depends. The good faith of Ireland is equal to that of any country in the world; and if her good faith was not a ſufficient ſecurity to England, with the Britiſh ſuperiority of power to ſupport it, how can good faith be a ſufficient ſecurity to us in our inferiority? When the Stamp Act was repealed, and the Declaratory Act paſſed as to America, America was told that it was a ſacrifice to Britiſh pride, and that it never would be exerciſed. But how long was it before it was exerciſed? Is there a man in England that would aſk America now to be content with the bare repeal of that Declaratory Law? Then why ſhould he aſk it of Ireland? Ireland had a Parliamentary conſtitution, the ſame as that of England, with an hereditary and ennobled branch of Legiſlature, inveſted with final judicature, above three hun-

dred years before any Colony in America had a name: thoſe Colonies have had popular aſſemblies, it is true, but not Parliaments conſiſting of King, Lords, and Commons, with all the powers belonging to them. The final judicature of America was never to any of the orders of her Provincial Aſſemblies, nor to the Houſe of Lords of Great Britain, but to the Britiſh Privy Council, yet will theſe and a thouſand other marks of a diſtinct kingdom in Ireland, and of a Colony conſtitution in the American provinces, without analogy of fact, and without inference of argument. Ireland is at this day, as to the legiſlative claim of the Britiſh Parliament, ſunk to a level with the Colonies of America; but though ſhe is inargumentatively depreſſed to that level, where the parallel is injurious to her, ſhe is not lifted up to that level where the parallel would be advantageous. For inſtance, England ſays, that conſtitutionally ſhe has a right to make laws for Ireland, as well as for the American provinces; but when the Declaratory Law is to be given up as to both, a ſimple repeal is enough for Ireland, whilſt an expreſs and a final renunciation is offered to America. This difference can have no foundation in equity or in reaſon, it can therefore only be grounded on a difference of ſituation; that is to ſay, that England is obliged to relinquiſh more to America than ſhe is compelled to ſurrender to Ireland, and that neither England nor any other nation ever relinquiſhed any authority they could retain: now I do not blame England for this, becauſe it is the nature of men, but I blame Ireland, if ſhe does not ſee it, and if ſhe does not know therefore that nothing is relinquiſhed, that is not renounced. I have as great an opinion of the great faith of England as any man, and therefore I wiſh to have it ſolemnly pledged. Now a bare repeal, I ſay, does not pledge her good faith never to exerciſe the power, becauſe it is not a renunciation

of it, it is therefore that I desire a renunciation. And why? Because a renunciation will in the first place give all the legal security that the cause is capable of: and because in the next place, it will pledge the good faith of Great Britain expressly, and when it is expressly pledged, I shall be ready to confide in it. A positive promise, is in every case in the world more to be depended on than a constructive one, and the greater the honour of the nation that makes it, the more it is to be confided in, and the more it is to be sought; but a simple repeal is not even a constructive promise. Why is it that in all treaties between unconnected nations the utmost care is taken to use the most explicit terms? It is not because the most explicit terms may not be violated, but it is because the violation of them is highly dishonourable and highly dangerous to the state that is guilty of it. If after the conduct that Ireland has ever held to Great Britain, England should formally renounce her legislative pretension now, and afterwards should attempt to resume it, her own act of Parliament would be her condemnation all over Europe; every cabinet on the Continent would exclaim against her baseness, and would think themselves authorized to assist the oppressed subjects, whom her own act would prove not to be rebels. Every man on every side, and of every description, equally confesses that a renunciation is necessary. The Honourable Gentleman himself, and every other man who is content with a simple repeal, profess that they are so, only because they consider a repeal as being a renunciation; now this is unanswerable, a renunciation is certainly a renunciation; no body can deny that; but a simple repeal may not be so; one therefore is certain, and the other at best is uncertain. Which shall I prefer in a case of this consequence? But this is not all, a repeal of a Declaratory Law not only may be a renunciation of its principle, but I maintain that it certainly is not so; in this I am so

clear, I ſtake my character with you for common ſenſe upon the ſubject. In this I am ſo clear, that my motion ſhall be an appeal to the nine Judges of Ireland, and if you pleaſe to the twelve Judges of England alſo upon the point. I have appealed to all the great lawyers in the Houſe, and every one of them has confeſſed, that a repeal of a Declaratory Law, is not a renunciation of the legal principle. Two only have attempted this evaſion; they ſay that in this caſe, there was no colour nor principle of law at the bottom of the act, and that therefore when the act is removed nothing can remain; now this is very well on one ſide of the water, but it is totally falſe on the other; here we ſay there was no colour nor principle of law at the bottom of that act, but in England they aſſert the very contrary. In England therefore they will have a right to ſay, that after the repeal, the principle will remain: what we may ſay here will not avail to our ſecurity, unleſs England can be got to concur with us. If England indeed will renounce the principle as we do, the repeal may be ſufficient; that is to ſay, a repeal with a renunciation by England will be ſufficient; but a repeal without ſuch a renunciation will not be ſufficient: it is but three days ago, that the Honourable Gentleman thought a repeal inadequate, and therefore declared an intention to bring in a Declaratory Iriſh Law, in order to have the Great Seals of both kingdoms affixed to the recognition of our conſtitution. What has happened ſince to render ſuch an intention leſs neceſſary? Nothing has been mentioned to diminiſh the neceſſity; but ſome men are found to argue, that our addreſs has bound us to a ſimple repeal. Now, firſt I ſay, that if ſuch an error had been committed in the addreſs, it would be hard that the conſtitution of a great nation ſhould be irrevocably tied to the diction of any individual; but I utterly deny the fact; I deſire the words of the addreſs to be pointed

out that mention a ſimple repeal of that act as adequate to our views; and as now ſuch words can be pointed out, I will mention words in it that prove the contrary. The grievance as to this point ſtated by the addreſs as neceſſary to be redreſſed is, not that act alone, but that act and the claims of it: now the repeal may take away the act, but nothing except a renunciation can take away the claims. The claim is the claim of right, or the legal principle either real or aſſumed. The ſimple repeal takes away the declaration only, but leaves behind the claim or legal pretenſion. I ſay, therefore, that the addreſs is full to the purpoſe, and that we muſt miſconſtrue that addreſs before we can forfeit our conſtitution; clear, however, as theſe things are, I will not affirm that a majority will inſtantly accede to them, but this I know, that majorities can ſometimes err, and that majorities can ſometimes change their opinion. What was the firſt feature of this ſeſſion of Parliament? A triumphant majority in ſupport of Lord Carliſle, againſt any redreſs of our injuries in Portugal. What followed? The Hon. Member propoſed an alteration of the perpetual Mutiny bill. A rank majority oppoſed him.—I attempted it in another form; a rank majority oppoſed any reformation of it; it was faction in one, it was diſappointed ambition in another; in both it was any thing but truth and the conſtitution. What was the cry of the paraſites of the Caſtle? The Sugar bill and the Mutiny law were ſuch acquiſitions to this country, they ſaid, that Ireland had nothing to redreſs, and that nothing but induſtry in her people, and gratitude in her Parliament, could now become her. Was not this gabble held, and was it not even popular for a time? I brought forward, notwithſtanding a vindication of your privileges againſt the manifold perverſions of the law of Poyning: And what did I aſk of you? Not implicitly to adopt the ſentiments and words of any individual, but

to appoint a Committee of yourſelves to examine the authorities I had produced in your behalf, that if I had erred in fact, or in inference, you might not be miſled; and that if I had, you might benefit by the proofs, and perpetuate the decaying evidences of your conſtitution. Yet even ſuch a Committee was denied, not to one but to the Parliament and to the nation. The Hon. Member then brought forward in the form of an Addreſs, an aſſertion of your excluſive legiſlature; a huge majority oppoſed the reception of it. I brought it on again by a reſolution then ſimple, that you yourſelves were the only repreſentatives of the people; a huge majority refuſed to affirm it; theſe reiterated defeats ſtruck like thunder upon the hearts of the people, and in theſe decided and ſtupendous majorities, they thought they ſaw the death of the conſtitution. A voice from America ſhouted to liberty, the echo of it caught your people as it paſſed along the Atlantic, and they renewed the voice till it reverberated here. What followed? All the propoſitions that had been ſeparately reprobated were now collectively adopted; the repreſentatives of the people articulated at length the ſenſe of their conſtituents. The caſe of Ireland originally ſtated by the great Molyneaux, and burned at the Revolution by the Parliament of England, is not now afraid of the fire; it has riſen from that phœnix urn, and with the flames of its cradle it illuminates our iſle! What is the reſult? It is now in your power, and I truſt it will be in your wiſdom to do final juſtice to the rights and intereſts of your country; for me, I hope I have not been peculiarly wanting to them. At an early period of my life, on a queſtion of embargo, in conſequence of a proclamation founded on a Britiſh act of Parliament, I brought the criminal Gazette within theſe walls, and at your bar I arraigned the delinquent. The Houſe was alarmed, and I withdrew my queſtion, on the proclamation's being withdrawn. If you aſk why

I did not purſue it to a formal Declaration of Right? I anſwer, for I wiſh to be anſwerable to you for every part of my life; I anſwer that the time was not ripe for it. The firſt ſpring of the conſtitution is the elective power of the people, till that was reinforced by limiting the duration of Parliaments, little could be done. The people wanted conſtitutional privilege; till the fabric of uſurpation, founded on the law of Poyning, had been ſhaken to its foundation, little could be done; the Parliament wanted conſcious dignity till the people were armed; every thing could not be done, the nation wanted military power. Theſe were neceſſary antecedents. The public mind wanted much cultivation. The ſeed, too, was neceſſary to be ſown, and if I have not been wanting to the preparation of the ſoil, may I not be permitted to watch over the harveſt. To that harveſt, too, as well as to every other, a proſperous ſeaſon was neceſſary, and that ſeaſon preſented itſelf in the American war.—When, therefore, the Hon. Member, in the ſunſhine of that ſeaſon, and of his own abilities, brought forward a Declaration of Rights in Lord Buckingham's government, after that Adminiſtration had amended his propoſition for the purpoſe of defeating it, I ſtepped forward in office as I was, and at the hazard of that office, and reſcued the principle from the diſgrace of a poſtponement, or from the ruin of rejection. In this ſeſſion, too, I hope that my humble efforts have not been peculiarly wanting. In ability I will yield to many, in zeal to none; and, if I have not ſerved the public cauſe more than many men, this at leaſt I may ſay, I have ſacrificed as much to it. Do you repent of that ſacrifice, if I am aſked? I anſwer no. Who could repent of a ſacrifice to truth and honour to a country that he loves, and to a country that is grateful? Do you repent of it? No. But I ſhould not rejoice in it, if it were only to be attended with a private deprivation,

and not to be accompanied by all its gains to my country. I have a peculiar right, therefore, to be ſolicitous and ardent about the iſſue of it, and no man ſhall ſtop me in my progreſs.

WERE the voice with which I utter this, the laſt effort of an expiring nature; were the accent which conveys it to you the breath that was to waft me to that grave to which we all tend, and to which my footſteps rapidly accelerate, I would go on; I would make my exit by a loud demand of your rights: and I call upon the God of Truth and Liberty who has often favoured you, and who has of late looked down upon you with ſuch a peculiar grace and glory of protection, to continue to you his inſpirings—to crown you with the ſpirit of his completion, and to aſſiſt you againſt the errors of thoſe that are honeſt, as well as againſt the machinations of all that are not ſo.

MR. FLOOD's motion was, That the opinion of all the Judges be deſired on the following queſtion, "Does the repeal of a Declaratory Act amount in legal conſtruction to a repeal or renunciation of the legal principal on which the Declaratory Act grounded itſelf." The order of the day was called for, and carried without a diviſion.

LORD ABINGDON'S

SPEECH

ON INTRODUCING HIS BILL FOR A

DECLARATION OF RIGHT

OVER EVERY PART OF THE

BRITISH DEPENDENCIES.

MY LORDS,

HAVING ſome days ago, ſignified my intention of troubling your Lordſhips with a motion reſpecting the preſent relative ſituation of Ireland and this country, I now riſe to ſay a few words more upon that ſubject. Perſuaded as I was, my Lords, that nothing would be left undone, in the adjuſtment of the claims of Ireland upon this country, by his Majeſty's preſent miniſters, that ought to be done, and finding that when thoſe claims were made under the joint concurrence of both Houſes of Parliament in Ireland, that they were not only liſtened to by his Majeſty's preſent Miniſters, but were handſomely, liberally, and manfully acceded to by them in every particular; I ſay manfully, my Lords, becauſe in ſome caſes it is as much a teſt of manhood to give way, as it is to demand; and I ſay, in every particular, becauſe nothing was aſked that was not granted. I did conceive, that as in muſic the apt reſolution of diſcords furniſhes the moſt complete and perfect harmony, ſo the ſame effect, for the ſame reaſon, would as readily and as naturally have been produced here; and conceiving this, that is, ſuppoſing inſtead of diſcord, concord was to prevail, and inſtead of diſſention unanimity was to ſucceed, although the affairs of Ireland, from the weight and importance of them, had reſted long and much upon my mind, they no longer became the ſubject of my reflections. But, my Lords, perceiving that I was miſtaken in my conception, and that although Ireland had obtained all ſhe had requeſted, the meaſure was not complete, nor was the cup yet full, I then took the liberty of ſuggeſting to your Lordſhips my intention of making the motion which I have juſt alluded to. But, my

Lords, finding from the lateneſs of the ſeſſion, that nothing can be done in conſequence of this motion, (and that ſomething muſt be done I will venture ſo far to opiniate this matter as to preſume) the preſent purpoſe of my riſing is principally to inform your Lordſhips, that I ſhall poſtpone the making of this motion to our next meeting in Parliament, when I ſhall moſt aſſuredly, as early as poſſible, bring it forward, together with the arguments that I ſhall then have the honour to ſubmit to your Lordſhips in the ſupport of it.

But, my Lords, having ſaid this, I ſtill think that the Houſe ſhould not ſeparate without my putting your Lordſhips in poſſeſſion of the nature, drift, and tendency of this motion. It is a reſpect that is due to your Lordſhips; it is what the Houſe perhaps has a right to look for; and indeed the importance of the motion ſeems to call for it. Whether it may meet your Lordſhips ideas, or whether any thing that comes from me can merit the attention of the Houſe, is not for me to determine. All that I can ſay is, that it proceeds from a moſt ſincere and honeſt zeal to render myſelf of as much uſe to my country as I can, at a time when the aſſiſtance of all is required, and the ſervices of none are to be rejected. Under theſe circumſtances then I am to inform your Lordſhips, that the motion which I ſhall have the honour to make at a future day, being a motion for leave to bring in a bill; this bill is already prepared, and being prepared, as it not only takes in the ſubſtance of this motion, but comprehends the whole of my object, ſo to give your Lordſhips the contents of this bill, is to furniſh the Houſe with the information which for the preſent I wiſh to convey.—And therefore, my Lords, I ſhall beg leave that the clerk be now permitted to read this bill.

Lord Camden objected to reading a bill, without that bill being regularly moved and brought in, and therefore requeſted that the noble Lord might order the clerk to read it, as part of his Lordſhip's ſpeech, which being agreed to, the clerk read as follows:

"Whereas the right to the ſovereignty and dominion of the Britiſh ſeas is the real, fundamental, and undoubted prerogative of the crown of this realm, the Kings of England having been *(quatenus* Kings of England) not only univerſally acknowledged to be the lawful ſovereigns of the Engliſh ſeas, but as ſuch have had the uninterrupted ſanction of no leſs than between ſeventeen and eighteen centuries to countenance and uphold them both in the claim and practice of this right.

" And whereas, it being to our maritime force that we are indebted, as well for the preſervation of this right to the ſovereignty and dominion of the ſeas, as for the protection of our external commerce or foreign trade, for the poſſeſſion of our valuable colonies and plantations abroad, for our riches, for the improvement of our lands, for the conſumption of our manufactures, and for our greatneſs and power as a nation at home, nay, for the very ſafety and ſecurity of this kingdom itſelf againſt the invaſion of our enemies, ſo, this maritime force depending for its very being and exiſtence upon the external commerce or foreign trade of Great Britain and its empire, whilſt the power to regulate and controul this external commerce or foreign trade by the Parliament of Great Britain is neceſſary for the proſperity of this trade or commerce, is eſſential to the very being and exiſtence of our maritime force; it is a power veſted in the Parliament of Great Britain, for the maintenance and ſupport of the prerogative of the Crown in the ſovereignty and dominion of the ſeas.

" And whereas this right to the ſovereignty and dominion of the ſeas, whence the power of regulating and controuling the external commerce or foreign trade of Great Britain and its empire by the Britiſh Parliament is derived, is thus not only the moſt precious jewel of his Majeſty crown, but next under God the principal means of our ſafety and wealth: So all true Engliſh hearts and hands being bound to keep and preſerve the ſame, even with the uttermoſt hazard of their lives, their goods, and fortunes;

" May it therefore pleaſe your Majeſty, that it may be enacted and declared, and be it enacted and declared, by the King's moſt excellent Majeſty, by and with the advice and conſent of the Lords ſpiritual and temporal, and Commons, in this preſent Parliament aſſembled, and by the authority of the ſame, that the Parliament of Great Britain hath, ever had, and of ſole and excluſive right ought always to have power to make and enact laws and ſtatutes to regulate and controul the external commerce or foreign trade of Great Britain, and of all ſuch kingdoms and countries, parts and places, as now are, or hereafter may be under the ſovereignty of, that are annexed to, connected with, or in any wiſe dependent upon, or whoſe inhabitants are the ſubjects of the imperial crown of this realm.

" Provided nevertheleſs, that the ſaid laws and ſtatutes ſo made and enacted, with power to regulate and controul the external commerce or foreign trade of Great Britain and its empire, are not meant or intended directly or indirectly, as laws and ſtatutes for the purpoſe of raiſing a revenue, nor for any

other internal uſe whatever in or over thoſe kingdoms, or countries, parts or places, of whoſe external commerce or foreign trade ſuch regulations and controul ſhall be had, but as mere proviſions of enlargement to, or matters of reſtriction upon ſuch trade or commerce as may tend to the common advantage and general good of the whole.

" And whereas the kingdom of Ireland is not only under the ſovereignty of the imperial crown of this realm, and thereby partakes of the benefit of our maritime force in protection and aid of her commerce, but the Weſtern ſea in which Ireland is concluded, is a part of the maritime empire of the Kings of England: And whereas by an act made in the 20th year of his preſent Majeſty, entitled, an act 'To allow the trade between Ireland and the Britiſh colonies and plantations in America, and the Weſt Indies,' the power of regulating and controuling the external commerce or foreign trade of Ireland is taken out of the Parliament of Great Britain (where it of right belongs, and ſo of right ought to remain) and in manifeſt violence and open breach of the conſtitution (inaſmuch as the legiſlative being but a delegated power from the people, thoſe who have it cannot paſs it over to others) is veſted in the Parliament of Ireland; it is hereby enacted, by the authority aforeſaid, that this act, ſo far as it relates to the taking of this power out of the Parliament of Great Britain, and veſting it in the Parliament of Ireland, ſhall be, and the ſame is hereby repealed and made void: But in all other reſpects, the ſaid act to be and to remain in full force and effect; any thing herein contained to the contrary in any wiſe notwithſtanding: It being in no wiſe the meaning or intention of this act to deprive the kingdom of Ireland, in this or in any other inſtance, of that freedom in trade which ſhould in common belong to that country as well as to this, but merely to aſſert in the Parliament of Great Britain, where alſo the ſeat of empire is, the ſole and excluſive power of regulation and controul therein.

" And whereas this prerogative in the Crown to the ſovereignty and dominion of the ſeas, has been exerciſed not only with reſpect to the external commerce or foreign trade of Great Britain and its empire, but being acknowledged, and having been exerted even againſt ſtates totally unconnected with and independent of the imperial Crown of this realm, and this not only too in the caſe of a general obedience to our flag, but in the inſtance of our immortal Queen Elizabeth's having actually " Forbid the King of France to build any more ſhips of war than he then had, without her leave firſt had and obtained;" it is hereby further enacted, and by the authority aforeſaid, that it neither ſhall nor may be lawful to nor for any ſuch kingdoms,

or countries, parts or places of the Britiſh empire as are above deſcribed, to erect or to build any ſhips or veſſels of war, or to ſupport or maintain a navy, any otherwiſe than under the management and direction of the Lord High Admiral, or the Lords Commiſſioners of the Admiralty of Great Britain for the time being, and as ſubject to Britiſh acts of Parliament, and to ſuch other and to the ſame laws and regulations only, as the ſhips and veſſels of war and the navy of Great Britain are."

Such, my Lords, is the nature of this bill, and ſuch the grounds upon which it ſtands.—The line between Ireland and this country muſt be drawn; this country demands it as well as Ireland; and who ſhall ſay that this is not the line of right between them? The Parliament of Great Britain has nothing to do with the internal Legiſlation of Ireland, nor of right never had; what it has hitherto uſurpedly exerciſed, it has now honourably ſurrendered. But, my Lords, the ſeat of the empire is here: The ſea is ours, and as to regulate and controul the commerce of that ſea, for the ſake of our navy, is the ſole and excluſive right of the Britiſh Parliament, ſo to give up that right is to give up the ſeat of the empire; it is to aboliſh and annihilate your Parliaments; it is to ſever and totally to ſeparate Great Britain from the reſt of the Britiſh empire, leaving it a country to ſtand ſingly and by itſelf alone; for it is the only tie, it is the only bond of union that now remains to the Britiſh empire; it is to place England as to Ireland, not in the relative ſituation that Ireland was to England, (though this is a condition not to be ſubmitted to on the part of this country) but it is to raiſe a competition betwixt the two kingdoms, which muſt infallibly end in the ruin of both: It is that which America never demanded of Great Britain, and which, if ſhe had demanded, friend as I am to America, and a better friend ſhe has not, I had been among the foremoſt of her enemies: But not ſatisfied with this, which America readily yielded to you, you want more, and in fighting for that more, you have loſt the whole: it is that therefore, which the Parliament of Great Britain can never accede to Ireland, nor part with but in the act of its own diſſolution and deſtruction.

But I am reaſoning upon this ſubject, which I did not intend; and therefore, my Lords, I have at preſent only to move,

"That this bill may lie on the table for the inſpection of your Lordſhips."